

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**RAVGEN, INC.,**

**Plaintiff,**

**v.**

**NATERA, INC. AND NSTX, INC.**

**Defendants.**

**Civil Action No. 1:20-cv-692-ADA**

**JURY TRIAL DEMANDED**

**JOINT CLAIM CONSTRUCTION STATEMENT**

Pursuant to the Joint Proposed Amended Scheduling Order (Dkt. 47), Plaintiff Ravgen, Inc. and Defendants Natera, Inc. and NSTX, Inc. (together, “Defendants”), the Parties in the above captioned actions, submit this Joint Claim Construction Statement. All references to claims and citations refer to the two asserted patents in the case, U.S. Patent No. 7,332,277 (“the ’277 Patent”) and 7,727,720 (“the ’720 Patent”).

## I. AGREED CLAIM TERMS AND CLAIM CONSTRUCTION ISSUES

Claim Term	Agreed Construction
“a the sample” (’277 Patent, Claim 81)  Proposed for construction by Plaintiff <sup>1</sup>	“the sample”

## II. DISPUTED CLAIM TERMS

Claim Term	Ravgen’s Proposed Construction	Defendants’ Proposed Construction
“relative amount of alleles”/“relative amount of the alleles” (’277 Patent, Claims 1, 116)  Proposed for construction by Defendants	Plain and ordinary meaning	Percentages of alleles
“agent that [inhibits cell lysis to inhibit the lysis of cells/inhibits lysis of cells/impedes cell lysis] . . . wherein said agent is selected from the group consisting of membrane stabilizer, cross-linker, and cell lysis inhibitor” (’277 Patent, Claims 8, 55, 81; ’720 Patent, Claim 1)	Plain and ordinary meaning.  In the alternative, plain and ordinary meaning, wherein the plain and ordinary meaning is: a substance that inhibits the rupture of cells that is selected from the group consisting of membrane stabilizer, cross-linker, and cell lysis inhibitor, and does not include other categories of substances that	Compound that slows or stops cell lysis, including anticoagulants like EDTA (clarification of/consistent with plain and ordinary meaning)  In the alternative, indefinite

<sup>1</sup> See Plaintiff’s Unopposed Motion to Correct Obvious Error in Claim 81 of U.S. Patent No. 7,332,277 (Dkt. No. 54).

Claim Term	Ravgen's Proposed Construction	Defendants' Proposed Construction
Proposed for construction by Defendants	only indirectly affect cell lysis such as anticoagulants and chelators like EDTA, nor endogenous substances that are not selected to be added"	
<p>"if cells are present" ('277 Patent, Claim 55)</p> <p>Proposed for construction by Defendants</p>	<p>Plain and ordinary meaning</p> <p>In the alternative, plain and ordinary meaning, wherein the plain and ordinary meaning of "if cells are present" conditions the phrases "[inhibits cell lysis to inhibit the lysis of cells/inhibits lysis of cells/impedes cell lysis]"</p>	<p>Conditions the "agent that inhibits lysis of cells" element (clarification of/consistent with plain and ordinary meaning)</p> <p>In the alternative, indefinite</p>
<p>"free fetal DNA isolated" ('277 Patent, Claim 55)</p> <p>"isolating free fetal nucleic acid" ('277 Patent, Claim 81)</p> <p>"isolating free nucleic acid" ('720 Patent Claim 1)</p> <p>Proposed for construction by Defendants</p>	Plain and ordinary meaning	<p>Free fetal DNA whose proportion versus maternal DNA was increased</p> <p>increasing the proportion of free fetal versus maternal nucleic acid obtained</p> <p>increasing the proportion of free nucleic acid obtained</p>

Dated: February 2, 2021

By:

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above document has been served on all counsel of record via the Court's ECF system on February 2, 2021.

/s/ Kerri-Ann Limbeek (pro hac vice)  
Kerri-Ann Limbeek